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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,734	11/09/2001	Andrea Finke-Anlauff	309-010606-US(PAR)	7373
2512	7590	11/13/2003	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			NGUYEN, JIMMY H	
			ART UNIT	PAPER NUMBER
			2673	

DATE MAILED: 11/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/037,734

Applicant(s)

FINKE-ANLAUFF, ANDREA

Examiner

Jimmy H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is made in response to applicant's papers filed on 11/09/2001. Claims 1-15 are currently pending in the application. An action follows below:

Claim Objections

2. Claim 1 is objected to under 37 CFR 1.75(a) because although this claim meets the requirement 112/2d, i.e., the metes and bounds are determinable, however, the following changes should be made:

(i). "applications", line 2, should be changed to -- applications--, since an electronic device, rather than applications, comprising,

(ii). "surface", line 6, should be changed to -- face --, so as to be consistent with the feature in line 3, and

(iii). "electronic device", line 7, should be changed to -- body --, so as to make the claimed invention consistent with the disclosure, see fig. 3, page 6, lines 5-8.

It is in the best interest of the patent community that applicant, in his/her normal review and/or rewriting of the claims, to take into consideration these editorial situations and make changes as necessary.

3. Claim 10 is objected to under 37 CFR 1.75(a) because although this claim meets the requirement 112/2d, i.e., the metes and bounds are determinable, however, "2", line 2, should be changed to --8--, because "said orientation" is recited in claim 8, rather than claim 2.

It is in the best interest of the patent community that applicant, in his/her normal review and/or rewriting of the claims, to take into consideration these editorial situations and make changes as necessary.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 15 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding to this claim, when this claim is read together with independent claim 1, this claim recites the features, “a display on an upper surface of a screen included in a panel” (see lines and “a portion of the display revealed from the bottom of the device”. the disclosure, when filed, does not contain sufficient information regarding to the claimed feature, “a portion of the display, which is on an upper surface of a screen included in a panel, is revealed from the bottom of the device”, as recited in claim 15. The disclosure, specifically figure 1 and page 6, lines 28-32, discloses a display on an upper surface of a screen 6 included in a screen panel 2, and the disclosure, specifically figure 2a and page 7, lines 2-5, discloses **another display**, which is viewed via a window 15. In other words, the disclosure expressly teaches **two different displays**, one on an upper surface of a screen 6 included in a panel 2 and another revealed from the bottom of the device. However, the disclosure does not contain such description and details that the **same** display is on an upper surface of a screen 6 included in a panel 2 and is revealed from the bottom of the device. Furthermore, the disclosure does not contain such description and details how the **same** display is on an upper surface of a screen 6 included in a panel 2 and is

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revealed from the bottom of the device, so as to enable one skilled in the pertinent art to make and use the claimed invention.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-8, 10 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by England (USPN: 6,483,445 B1).

Regarding to claim 1, England discloses an electronic device (10) (as shown in fig. 5, col. 2, line 47) comprising a body (a base portion 32), a text keyboard (a keyboard 24), a panel (a display portion 30) connected to the body (32) and slidably mounted above the keyboard, for movement between a first position and a second position (col. 1, lines 40-44), and two side decks (edges 44, col. 2, lines 49-53), one of side decks providing a surface for mounting keypads having a plurality of keys and buttons (22) (fig. 5, col. 2, lines 17-18). Accordingly, the England reference anticipates the invention defined in claim 1.

Regarding to claims 2-7 and 12, as noting in figs. 5 and 6, col. 2, lines 45-57, the England reference expressly discloses the invention defined in these claims.

Regarding to claims 8 and 10, as noting at col. 2, lines 33-34, and col. 3, lines 13-15, England further teaches the device comprising a control unit (a processor) operating to rotate the orientation of the display on the screen panel consistent with the operation of the device.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over as applied to claim 8 above.

Regarding to claim 9, as discussed in the rejection of claim 8 above, England expressly teaches the display on the screen rotated between the first position and the second position. England does not expressly teaches the particular rotation angle of 90 degrees, in the manner as recited in claim 9. However, Applicant has not disclosed that the particular rotation angle of 90 degrees solves any stated problem, provides an advantage or is used for any particular purpose. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with a certain range of the rotation angles because the device ability to perform its function of presenting a display to a user with the correct viewing orientation is not effected by the rotation angle. Therefore, absent a showing of criticality it would have been within the level of skill in the art and obvious to one having ordinary skill to engineering design the particular rotation angle of 90 degrees as desired as was judicially recognized in re Rose, 105 USPQ 237 (CCPA 1955) and in re Reven, 156 USPQ 679 (CCPA 1968).

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over England as applied to claim 7 above, and further in view of Grant (USPN: 5,339,097).

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Regarding to claim 11, as discussed in the rejection above, England discloses the communication keypad comprising a plurality of keys (22) arranged in a zigzag pattern (fig. 5 and col. 2, lines 16-17). England does not expressly teach the keys arranged in a circular pattern. Accordingly, England discloses all the claimed limitations except that keys are arranged in a circular pattern.

However, Grand discloses a keyboard comprising a plurality of keys, which are usually used together, arranged in a circular pattern, so as to reduce a significant time in searching for the keys needed (fig. 7, col. 7, lines 48-66). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to arrange the England keys in the circular pattern, in view of the teaching in the Grand reference, because this would reduce a significant time in searching for the keys needed.

11. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over England as applied to claim 6 above, and further in view of Moon (USPN: 6,275,376 B1).

Regarding to this claim, England discloses the panel mounted for pivotal movement in the second position (fig. 6). England does not expressly teach that the pivot motion permits the reversing of the panel so that the screen faces the recessed surface in a protected position. However, Moon expressly teaches the benefits of using the hinge for supporting the display screen panel in a pivotal movement so that the screen faces the recessed surface in a protected position, and the keyboard is also protected when the electronic device is not being operated, is well known to those of ordinary skill in the art (col. 1, lines 18-23). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide the hinge for supporting the display screen panel in a pivotal movement, as discussed above, in view of the

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teaching in the Moon reference because this would protect both the display screen and the keyboard when the electronic device is not being operated.

12. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over England as applied to claim 7 above, and further in view of Lichtenberg (USPN: 5,336,001).

Regarding to this claim, England discloses all the claimed limitations except that England does not expressly teach the keypad arranged at a 45° angle. However, Lichtenberg expressly teaches the communications keypad arranged at an angle between 5° to 70° in order to provide the user a maximum comfort and efficiency (fig. 4, col. 1, lines 5-8 and col. 6, lines 15-30). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to arrange the Lichtenberg keypad arranged at an angle between 5° to 70°, in view of the teaching in the Lichtenberg reference because this would provide order to provide the user a maximum comfort and efficiency. Therefore, it would have been obvious to combine Lichtenberg with England to obtain the invention defined in this claim.

13. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over England in view of Moon as applied to claim 13 above, and further in view of Jahagirdar et al. (USPN: 6,125,286), hereinafter Jahagirdar.

Regarding to this claim, England discloses all the claimed limitations except that England does not expressly teach the device comprising an auxiliary display window provided on the bottom of the device, to reveal a portion of the display. However, as noting in fig. 1, col. 2, lines 56-63, and col. 8, lines 5-9, Jahagirdar expressly teaches an electronic device comprising an auxiliary display window (a display window, col. 2, line 62), which is included in the second display (130) and may be placed along any side of the housing body, to reveal a portion of the

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display (130). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide the second display including an auxiliary display window in the device of England, in view of the teaching in the Jahagirdar reference, because this would provide a user an information such as a short message, caller identification, date and time, battery level, etc., when the main display is in the closed position, as taught by Jahagirdar (see claim 13 and abstract). Accordingly, the combination of Jahagirdar and England discloses the device including an auxiliary display window that may be placed any side of the housing body. In other words, the combination of Jahagirdar, Moon and England references discloses all the claimed limitations except for the auxiliary display window placed in the bottom of the device. However, at the time of the invention was made, it would have been obvious to a person of ordinary skill in the art to locate the auxiliary display window in the bottom of the device, since a such modification would have involved a mere change in the location of a component. Applicant has not disclosed that the auxiliary display window located in the bottom of the device solves any stated problem, provides an advantage or is used for any particular purpose. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the auxiliary display window located in the bottom of the device or any side of the body because the added display ability to perform its function of displaying information to a user is not effected by the location of the auxiliary display window. Further, a change in location is generally recognized as being within the level of ordinary skill in the art, see In re Japikse, 86 USPQ 70 (CCPA 1950). Therefore, it would have been obvious to a person of ordinary skill in this art to combine Jahagirdar and Moon with England to obtain the invention defined in this claim.

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Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy H. Nguyen whose telephone number is (703) 306-5422.

The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached at (703) 305-4938.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231


or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

JHN
November 10, 2003


Jimmy H. Nguyen
Examiner
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